

OUR DOCKET NO: 42P15769

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/611,621
First Named : Eric Debes
Inventor :
Filed : 06-30-2003 Art Unit: 2193
TC/A.U. : A Method and Apparatus
For Performing Multiply-
Add Operations On
Packed Data
Examiner : Malzahn, David H.
Docket No. : 42P15769
Customer No. : 45209

APPLICANT INTERVIEW SUMMARY

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

This Applicant Interview Summary is filed in response to an Interview conducted with the Examiner in the above-identified case in accordance with 37 CFR1.133 and MPEP 713.04.

The time and date of the interview was about noon on 10/29/07. The participants in the interview were David Malzahn (Examiner) and Brent Vecchia (Representative). The interview was telephonic. Mr. Malzahn phoned Mr. Vecchia in response to a phone message that Mr. Vecchia left with Mr. Malzahn the preceeding week requesting a return phone call to discuss the 35 USC Section 101 rejection of claim 1.

During the interview, Mr. Vecchia and Mr. Malzahn briefly discussed the 35 USC Section 101 rejection of claim 1. Mr. Vecchia mentioned that he thought that claim 1 met the requirements of Section 101. Mr. Vecchia also mentioned that in order to expedite allowance of the case he would be willing to discuss amendments to claim 1 to make it more abundantly comply with the requirements of Section 101. The Examiner mentioned that a Final Office Action had already been mailed, and that the Examiner would not consider such amendments unless the Applicants filed an RCE.

The general result or outcome of the interview was that no agreement was made with respect to the Section 101 rejection of claim 1.

No specific prior art was discussed. No exhibit was shown or demonstration conducted.

No fee is believed to be due. However, please charge any needed extension of time or any other needed fee or fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 10/29/07

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THIRD NOTIFICATION OF RELATED LITIGATION UNDER MPEP § 2001.06 (C)

Examiner:

Applicants previously submitted a first NOTIFICATION OF RELATED LITIGATION UNDER MPEP § 2001.06 (C) (and associated materials) in the above-identified case on 4/27/2007, and a SECOND NOTIFICATION OF RELATED LITIGATION UNDER MPEP § 2001.06(C) (and associated materials) on 7/16/07. The Notifications of Related Litigation pertain to U.S. Patent No. 6,385,634 (the '634 patent).

Since then a number of documents have been filed in the suit. One of the documents is TRANSMETA CORPORATION'S AMENDED AND SUPPLEMENTAL RESPONSES TO INTEL CORPORATION'S FIRST SET OF INTERROGATORIES (NOS. 1, 3, 4, 5, 8, 13, AND 15)¹. In this document, supplemental response to Interrogatory 13 includes an allegation that "claims 3, 5, 10, 12, and 14 are anticipated by and/or obvious in view of each of" thirteen identified references "taken alone or in

¹ Listed on the accompanying IDS as: TRANSMETA CORPORATION'S AMENDED AND SUPPLEMENTAL RESPONSES TO INTEL CORPORATION'S FIRST SET OF INTERROGATORIES (NOS. 1, 3, 4, 5, 8, 13, AND 15) (Redacted Version), In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated August 23, 2007, 84 pages (including Exhibits 15-18 totaling 46 pages).

combination”. See e.g., pages 30-31. The supplemental response to Interrogatory 13 also identifies various combinations of references (see e.g., pages 31-32), and “provides an exemplary claim chart setting forth the bases for its invalidity contentions with respect to claims 3, 5, 10, 12, and 14 of the ‘634 patent”. Specifically, Exhibit 17 of the supplemental response to Interrogatory 13 allegedly “identifies specific examples where each limitation of claims 3, 5, 10, 12, and 14 of the ‘634 patent is found in the prior art references”.

About two thirds of the thirteen references have already been submitted in Information Disclosure Statements (IDS) in the above-identified case on various dates. Almost half of these references have already been considered by the Examiner. The IDS dated 7/16/07, which included three of these references, was not considered in the Final Office Action mailed 7/23/07, presumably due to the closeness of the dates. All of the identified references that have not already been submitted are being submitted in the accompanying IDS except for the following two references: (1) Craig Hansen, *Terpsichore System Architecture*, MicroUnity Systems Engineering, Inc., June 8, 1990; and (2) Craig Hansen, *Terpsichore System Architecture*, MicroUnity Systems Engineering, Inc., March 30, 1993. Applicants have attempted to obtain copies of these references but as of this date have been unable to obtain copies. Applicants will continue to attempt to obtain copies of these references and will submit them in an IDS if they are obtained.

Other documents submitted in the suit pertain to conception, actual reduction to practice, and diligence toward constructive reduction to practice of the Intel patents in suit. Response to Interrogatory 21 of INTEL CORPORATION’S RESPONSES TO TRANSMETA’S FIRST SET OF INTERROGATORIES TO INTEL CORPORATION (NOS. 1-24)² includes information on conception of the ‘634 patent. See e.g., page 128. Supplemental responses to Interrogatories 21-23 of INTEL CORPORATION’S SUPPLEMENTAL RESPONSES TO TRANSMETA INTERROGATORY NOS. 8, 9,

² Listed on the accompanying IDS as: INTEL CORPORATION’S RESPONSES TO TRANSMETA’S FIRST SET OF INTERROGATORIES TO INTEL CORPORATION (NOS. 1-24), In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated May 18, 2007, pages 1-132.

12, 19, AND 21-23³ provide supplemental information on conception, actual reduction to practice, and diligence toward constructive reduction to practice of the '634 patent, respectively. See e.g., pages 21-23, and 25.

Other documents submitted in the suit pertain to claim construction. Claim construction terms identified for the '634 patent include "packed data", "intermediate data elements", and "intermediate results" (also referred to as "intermediate result data elements"). INTEL CORPORATION'S OPENING CLAIM CONSTRUCTION BRIEF⁴ includes Intel Corporation's positions for claim construction. See e.g., pages 57-58 for a discussion pertaining to "packed data". See e.g., page 59 for a discussion pertaining to the "intermediate" terms. TRANSMETA CORPORATION'S OPENING CLAIM CONSTRUCTION BRIEF⁵ includes Transmeta Corporation's positions for claim construction. See e.g., pages 56-58 for a discussion pertaining to "packed data". See e.g., pages 59-60 for a discussion pertaining to the "intermediate" terms. In the document FINAL JOINT CLAIM CONSTRUCTION CHART⁶, both parties submit their final joint claim construction charts. The chart regarding Intel's patents is attached at Tab B. See e.g., pages 27-33 of Tab B for the '634 patent.

Intel Corporation has filed reexamination requests for all eleven of the patents asserted by Transmeta Corporation. By September 4, 2007, the USPTO had ruled that all of Intel's requests for reexamination raise substantial new questions regarding the patentability of the patents asserted by Transmeta. I am not aware of any reexamination requests filed by Transmeta against the Intel patents in suit. On October 24, 2007,

³ Listed on the accompanying IDS as: INTEL CORPORATION'S SUPPLEMENTAL RESPONSES TO TRANSMETA INTERROGATORY NOS. 8, 9, 12, 19, AND 21-23, In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated August 23, 2007, pages 1-27.

⁴ Listed on the accompanying IDS as: INTEL CORPORATION'S OPENING CLAIM CONSTRUCTION BRIEF, In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated October 19, 2007, pages 1-76.

⁵ Listed on the accompanying IDS as: TRANSMETA CORPORATION'S OPENING CLAIM CONSTRUCTION BRIEF, In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated October 19, 2007, pages 1-66.

⁶ Listed on the accompanying IDS as: FINAL JOINT CLAIM CONSTRUCTION CHART, In the United States District Court for the District of Delaware, In the matter of Transmeta Corporation v. Intel Corporation, C.A. No. 06-633-GMS, dated October 10, 2007, pages 1-215.

Transmeta Corporation published a press release on their website entitled TRANSMETA ANNOUNCES SETTLEMENT OF PATENT LITIGATION, TECHNOLOGY TRANSFER AND LICENSE AGREEMENT WITH INTEL⁷. In this press release, Transmeta Corporation announced that it has reached an agreement with Intel Corporation to settle all claims between them.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at (408) 720-8300 if there are any questions regarding this material.

Charge our Deposit Account

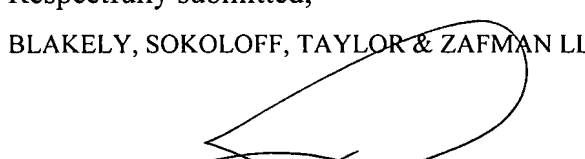
Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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⁷ Listed on the accompanying IDS as: TRANSMETA ANNOUNCES SETTLEMENT OF PATENT LITIGATION, TECHNOLOGY TRANSFER AND LICENSE AGREEMENT WITH INTEL, Press Release, dated October 24, 2007, printed from the Internet site (<http://investor.transmeta.com/releasedetail.cfm?ReleaseID=271024>), one page.